

### **Remarks**

In the February 27, 2009 final Office Action, the Examiner stated, "Based on the decision of the petition mailed on January 27, 2009, the attached action is a copy of the final office action originally mailed on March 18, 2008. The response filed on January 21, 2009 is not considered at this time." It is unclear why the response was not entered. However, Applicant is resubmitting the January 21, 2009 response as shown in the amendments above, and the remarks are reiterated as follows.

Claims 1-26 are pending in this application. By way of this Amendment, claims 1-20 have been amended, and claims 21-26 have been newly added. Claims 1, 9, and 17-20 have been amended to clarify the claimed invention. Support for these amendments can be found, for example, from page 10, line 27 to page 11, line 25 of the specification as filed. Also, claims 1-20 have been amended to correct minor informalities. Newly-added claims 21-26 find support, for example, at page 11, lines 22-25 of the specification as filed. Thus, no new matter has been added by way of this Amendment, and entry of the amendments is respectfully requested.

### **Rejections under 35 U.S.C. § 112**

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By way of this Amendment, independent claims 1, 9, and 17-20 have been amended to clarify the meaning of "predetermined first condition" and "predetermined second condition." Furthermore, "first condition" and "second condition" have been replaced throughout the claims with "predetermined first condition" and "predetermined

second condition,” respectively. What these phrases refer to is now clear. Accordingly, withdrawal of the 35 U.S.C. § 112 rejections of claims 1-20 is respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,402 (“Whitworth”). As mentioned above, the independent claims have been amended to clarify the invention. Specifically, claim 1 now recites, in part:

...a first probability calculation unit for calculating a probability that a part of said plurality of said risk factors satisfy a predetermined first condition *related to profit and loss*, and a probability that a remaining part of said plurality of said risk factors satisfy a predetermined condition *related to profit and loss*...(emphasis added).

Claims 9 and 17-20 recite similar features as amended. Nowhere in Whitworth is the above feature disclosed. In particular, the claimed use of “a predetermined first condition related to profit and loss” and “a predetermined second condition related to profit and loss” are not found in Whitworth. These claimed features are clearly distinguishable from, for example, the condition that “the data profiles already existed in the database” and the condition that “no data profiles existed in the database,” which the Examiner pointed to as being used in the Grouping calculation and Regression calculation of Whitworth (10/08/2008 Office Action, p. 3). For at least the reason that the above features are not disclosed, claims 1, 9, and 17-20, as well as their dependent claims, are patentable over Whitworth. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-20 is respectfully requested.

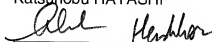
### **Newly-Added Claims**

Claims 21-26 have been newly added by way of this Amendment, as mentioned above. Support for the features of these claims can be found, for example, at page 11, lines 22-25 of the specification as filed. At least by virtue of their dependence from the independent claims, claims 21-26 are patentable.

### **Conclusion**

Applicant believes this Amendment is fully responsive to all outstanding issues, and places this application in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number listed below, to discuss any issues or changes which may place the application in condition for allowance.

Respectfully submitted,  
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Attachments: Electronic Acknowledgement Receipt  
and Electronic Patent Application Fee  
Transmittal for 1/21/09 Amendment

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## Electronic Acknowledgement Receipt

|   |   |
|---|---|
| <b>EFS ID:</b>                              | 4649286   |
| <b>Application Number:</b>                  | 09683829  |
| <b>International Application Number:</b>    |   |
| <b>Confirmation Number:</b>                 | 7831  |
| <b>Title of Invention:</b>                  | Compensation contract supporting system, method for supporting compensation contract, and program thereof |
| <b>First Named Inventor/Applicant Name:</b> | Katsunobu Hayashi   |
| <b>Customer Number:</b>                     | 40401   |
| <b>Filer:</b>                               | Abraham HersHKovitz   |
| <b>Filer Authorized By:</b>                 |   |
| <b>Attorney Docket Number:</b>              | P13205  |
| <b>Receipt Date:</b>                        | 21-JAN-2009   |
| <b>Filing Date:</b>                         | 20-FEB-2002   |
| <b>Time Stamp:</b>                          | 16:17:43  |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)   |

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### File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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|                              |   |                        |  |    |    |
|------------------------------|---|------------------------|--|----|----|
| 1                            | Miscellaneous Incoming Letter                         | P13205_Transmittal.pdf | 41168                                      | no | 1  |
|                              |   |                        | F3712405339788177342dbcc50c0b6d5d1b9b2a51  |    |    |
| Warnings:                    |   |                        |  |    |    |
| Information:                 |   |                        |  |    |    |
| 2                            | Amendment/Req. Reconsideration-After Non-Final Reject | P13205_Amendment.pdf   | 580324                                     | no | 15 |
|                              |   |                        | 19b48bdcd7b7279ca8246a0c39096dd5c3e9cd     |    |    |
| Warnings:                    |   |                        |  |    |    |
| Information:                 |   |                        |  |    |    |
| 3                            | Fee Worksheet (PTO-06)                                | fee-info.pdf           | 29656                                      | no | 2  |
|                              |   |                        | 18ed746099a27e7e9611d8fc560ad91dc2807e7863 |    |    |
| Warnings:                    |   |                        |  |    |    |
| Information:                 |   |                        |  |    |    |
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#### **New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### **National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EQ/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### **New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

## Electronic Patent Application Fee Transmittal

| <b>Application Number:</b>                     | 09683829  |          |        |                      |
|--|---|----------|--------|----------------------|
| <b>Filing Date:</b>                            | 20-Feb-2002   |          |        |                      |
| <b>Title of Invention:</b>                     | Compensation contract supporting system, method for supporting compensation contract, and program thereof |          |        |                      |
| <b>First Named Inventor/Applicant Name:</b>    | Katsunobu Hayashi   |          |        |                      |
| <b>Filer:</b>                                  | Abraham Hershkovitz   |          |        |                      |
| <b>Attorney Docket Number:</b>                 | P13205  |          |        |                      |
| Filed as Large Entity                          |   |          |        |                      |
| <b>Utility under 35 USC 111(a) Filing Fees</b> |   |          |        |                      |
| Description                                    | Fee Code  | Quantity | Amount | Sub-Total in USD(\$) |
| <b>Basic Filing:</b>                           |   |          |        |                      |
| <b>Pages:</b>                                  |   |          |        |                      |
| <b>Claims:</b>                                 |   |          |        |                      |
| Claims in excess of 20                         | 1202  | 6        | 52     | 312                  |
| <b>Miscellaneous-Filing:</b>                   |   |          |        |                      |
| <b>Petition:</b>                               |   |          |        |                      |
| <b>Patent-Appeals-and-Interference:</b>        |   |          |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b>       |   |          |        |                      |
| <b>Extension-of-Time:</b>                      |   |          |        |                      |

| Description       | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------------|----------|----------|--------|----------------------|
| Miscellaneous:    |          |          |        |                      |
| Total in USD (\$) |          |          |        | 312                  |